

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: Michael K. Herron

Debtor(s)

Adv. Proc. No: 20-02133

BK NO. 19-24527 TPA

Michael K. Herron

Plaintiff,

Chapter 11

vs.

BANK OF AMERICA, N.A., its successors and/or assigns

Defendant

Related to Document No. 37, 40, 42**Hearing Date: 7/30/2020****CONSENT ORDER RESOLVING ADVERSARY PROCEEDING**

WHEREAS, Plaintiff/Debtor, Michael K. Herron (hereinafter “Herron” or “Plaintiff”, filed this Chapter 11 case on November 21, 2019; and

WHEREAS, on January 27, 2020, Defendant/Secured Creditor Bank of America, N.A. (hereinafter “BOA”) filed a secured proof of claim (Claim No. 8) asserting a total owed of \$544,722.02 on a mortgage secured by real property located at 1132 SE Kings Bay Drive, Crystal River, Florida 34429 (hereinafter “Kings Bay Property”); and

WHEREAS, Herron filed this Adversary Proceeding on August 31, 2020 against Defendant, BANK OF AMERICA, N.A. seeking a determination of the Kings Bay Property; and

WHEREAS, BOA filed an answer to the Adversary Proceeding on September 15, 2020; and

WHEREAS, the parties have amicably resolved the dispute; and

IT IS on this 6th day of July, 2021,

ORDERED that the value of the real property located at 1132 SE Kings Bay Drive, Crystal River, Florida 34429 shall be set at \$525,000; and

IT IS FURTHER ORDERED that Bank of America, N.A. shall have a valid secure claim against the debtor and the Kings Bay Property; and

IT IS FURTHER ORDERED that the loan shall be modified pursuant to the following terms:

Unpaid Principal Balance: \$525,000.00¹

Interest Rate: 5%

Term: 30 years

¹ Bank of America, at its sole discretion, may set up the modification in its system of record as a lower UPB with approximately \$16,000 in escrow owed so long as the total of the combined UPB and escrow owed does not exceed \$525,000 at the time the modification is set-up.

IT IS FURTHER ORDERED that Herron shall maintain flood insurance on the Kings Bay

Property and shall provide proof of same to BOA on at least an annual basis; and

IT IS FURTHER ORDERED that in the event of dismissal of the Bankruptcy Case or conversion to Chapter 7 the terms of the original mortgage shall control as if this Order were not entered; and

IT IS FURTHER ORDERED that this Adversary Proceeding is hereby dismissed with prejudice and without costs to either party; and

IT IS FURTHER ORDERED that this Adversary Proceeding is hereby closed.

Consented and Agreed to By:

/s/ Brian Nicholas, Esquire

Brian Nicholas, Esquire
Attorney I.D. No. 317240
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106
Phone: 412-430-3594
bnicholas@kmllawgroup.com
Attorney for Defendant/Creditor,
Bank of America, N.A.

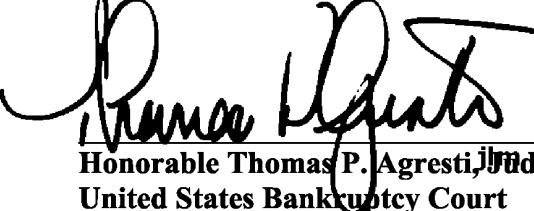
Dated: July 1, 2021

/s/ Aurelius Robleto

Aurelius Robleto, Esquire
PA ID: 94633
ROBLETO KURUCE, PLLC
6101 Penn Ave, Suite 201
Pittsburgh, PA 15206
Tel: 412-925-8194
Fax: 412-346-1035
apr@robletolaw.com
Attorney for Debtor/Plaintiff,
Michael K. Herron

Dated: July 1, 2021

REVIEWED AND APPROVED BY:


Honorable Thomas P. Agresti, Judge
United States Bankruptcy Court

The Clerk shall close
this Adversary

Herron,

Plaintiff

BANK OF AMERICA N.A.,

Defendant

Adv. Proc. No. 20-02133-TPA

District/off: 0315-2

User: aala

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Date Rcvd: Jul 06, 2021

Form ID: pdf900

Total Noticed: 5

The following symbols are used throughout this certificate:

Symbol

Definition

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 08, 2021:

Recip ID	Recipient Name and Address
dft	+ BANK OF AMERICA N.A, Phelan Hallinan Diamond & Jones, LLP, Omni William Penn Office Tower, 555 Grant Street, Suite 300 Pittsburgh, Pa 15219-4408
pla	+ Michael K. Herron, 1276 Tacoma Street, Hernando, FL 34442-3237

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpregion03.pi.ecf@usdoj.gov	Jul 07 2021 02:54:00	Office of the United States Trustee, Liberty Center., 1001 Liberty Avenue, Suite 970, Pittsburgh, PA 15222-3721
ust	+ Email/Text: ustpregion03.ph.ecf@usdoj.gov	Jul 07 2021 02:54:00	United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107-4405
ust	+ Email/Text: USTPRegion03.HA.ECF@USDOJ.GOV	Jul 07 2021 02:54:00	United States Trustee, 228 Walnut Street, Suite 1190, Harrisburg, PA 17101-1722

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 08, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 6, 2021 at the address(es) listed below:

District/off: 0315-2

User: aala

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Date Rcvd: Jul 06, 2021

Form ID: pdf900

Total Noticed: 5

Name **Email Address**

Aurelius P. Robleto

on behalf of Plaintiff Michael K. Herron apr@robletolaw.com
rmk@robletolaw.com,ecf_admin@robletolaw.com,apr@ecf.courtdrive.com,G16422@notify.cincompass.com

Brian Nicholas

on behalf of Defendant BANK OF AMERICA N.A bnicholas@kmllawgroup.com

TOTAL: 2